

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and MICHELLE M. SYFRIT,

Plaintiffs,

v.

DEPUTY RICHARD S. TROUP, individually,
SHERIFF ROBERT C. THOMAS, individually,
BRANTLEY COUNTY SHERIFF'S OFFICE,
BRANTLEY COUNTY BOARD OF COMMISSIONERS,
BRANTLEY COUNTY BOARD OF HEALTH,
CLAY A. LEE, individually,
ROSEMARIE D. PARKS, in her capacity as director of
Southeast Health District,

Defendants.

CIVIL ACTION FILE NO.

COMPLAINT

COME NOW Troy Devlin ("Devlin") and Michelle Syfrit ("Syfrit"), the Plaintiffs, who bring this Complaint seeking damages for violations of their Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendment rights under the United States Constitution and corollary rights under the Georgia Constitution, and for negligence, deprivation of privacy, harassment, trespass, excessive use of force, destruction of property, false arrest, false imprisonment, battery, intentional infliction of emotional distress, loss of consortium, and negligent hiring, training, and supervision.

JURISDICTION

1.

This action arises under the authority vested in this Court by virtue of 42 U.S.C. §§ 1983 and 1985(3), 28 U.S.C. §§ 1331 and 1343(a), the Fourth and Fourteenth Amendments of the United States Constitution, and pendent jurisdiction pursuant to 28 U.S.C. § 1367(a) under Article I, § 1, ¶¶ V and VIII of the Georgia Constitution. The actions of defendants were under color of law.

VENUE

2.

Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2).

PARTIES

3.

Plaintiffs Troy E. Devlin (“Devlin”) and Michelle M. Syfrit (“Syfrit”) reside in Brunswick, Glynn County, Georgia having moved there from their previous residence in the Popwellville Community of Hortense, Brantley County, Georgia to escape the constant harassment they suffered as a result of actions by Deputy Richard S. Troup and the Brantley County Sheriff’s Office.

4.

Defendant Deputy Richard S. Troup (“Troup”) was, at all times relevant hereto, a deputy sheriff with the Brantley County Sheriff’s Office and it is this defendant who used

excessive force upon Devlin and who arrested and imprisoned him. This defendant was, at all times pertinent hereto, acting under color of state law. Defendant Troup is sued in his individual capacity, and he may be served at his place of employment, Brantley County Sheriff's Office, 95 John Wilson Street, Nahunta, Brantley County, Georgia.

5.

Defendant Sheriff Robert C. Thomas ("Thomas") was, at all times relevant hereto, an elected constitutional officer and the high sheriff of Brantley County, Georgia and the head of the Brantley County Sheriff's Office. Defendant Thomas is sued in his individual capacity and for supervisory liability, and he may be served at his place of employment, Brantley County Sheriff's Office, 95 John Wilson Street, Nahunta, Brantley County, Georgia.

6.

Defendant Brantley County Sheriff's Office ("Sheriff's Office") is the law enforcement agency operated by the governing body of Brantley County, Georgia. Defendant Sheriff's Office may be served by and through Sheriff Robert C. Thomas at 95 John Wilson Street, Nahunta, Brantley County, Georgia.

7.

Defendant Brantley County Board of Commissioners ("County") is a body corporate and politic and the governing body of Brantley County, Georgia. Defendant Board may be served by and through G. Parrish Barwick, County Manager, at 33 Allen Road, Nahunta, Brantley County, Georgia.

8.

Defendant Brantley County Board of Health (“Health Board”) is a board created pursuant to law by the governing body of Brantley County, Georgia. Defendant Health Board may be served at its principal place of business located at 115 Florida Avenue, Nahunta, Brantley County, Georgia.

9.

Defendant Clay A. Lee (“Lee”) was, at all times relevant hereto, an environmental health specialist and agent of the Brantley County Health Department. Defendant Lee is sued in his individual capacity, and he may be served at his place of employment, Brantley County Health Department, 173 Florida Avenue, Nahunta, Brantley County, Georgia.

10.

Defendant Rosemarie D. Parks (“Parks”) was, at all times relevant hereto, director of the Southeast Health District. Defendant Parks is sued in her official capacity, and she may be served at her place of employment, Southeast Health District, 1101 Church Street, Waycross, Ware County, Georgia.

FACTUAL ALLEGATIONS

11.

On April 23, 2010, at or about 7:30 p.m., Syfrit had been shopping at a convenience store in the Popwellville Community of Brantley County.

12.

Devlin was not present but was at the home nearby that he shares with Syfrit.

13.

Syfrit noticed Troup, who was conducting a traffic stop, watching her.

14.

This was not the first time Troup took an unusual interest in the plaintiffs. For years, Troup harassed them by repeatedly driving by their home when he was on and off duty, following them when he was on and off duty, stopping them without probable cause, spreading rumors in the community and to people who knew them personally about them being drug dealers, listing one or both of them on his church bulletin with other “Lost in [the] Community” and “Drug Dealers,” and other acts designed and intended to harass and intimidate them.

15.

When Syfrit drove her vehicle home from the store, Troup terminated his traffic stop and started following Syfrit west on State Highway 32.

16.

Syfrit turned right off of State Highway 32 onto Cyprus Road then drove and turned left into her driveway.

17.

The plaintiffs' property is fenced with a gate at the entrance to the driveway. Signs indicating "private property," "no trespassing," and "beware of dog" were conspicuously posted on the gate and along the property lines.

18.

Sybrit pulled past the gate and down the driveway. Devlin and Sybrit noticed Troup drive past their driveway down Cyprus Road.

19.

As Devlin was closing the gate to the plaintiffs' property, Troup drove in front of the entrance to their driveway, stopped, and got out of his patrol car. Devlin closed the gate to indicate he had no interest in any voluntary police-citizen encounter.

20.

Troup announced he had a warrant for Devlin and sprinted towards the gate.

21.

Devlin, believing this to be another stunt by Troup to harass them and knowing he hadn't done anything for which a warrant would have been issued, was startled and began backing away.

22.

Devlin said he needed to put up his dog, a blue pit bulldog named Geronimo. This dog was more than a family pet. The love and affection the plaintiffs had for the animal was more akin to the love and affection one might have for human offspring.

23.

Troup shoved his way through the gate, almost knocking Devlin down, entered the property, and started behind Devlin who was moving quickly away from the gate.

24.

Troup yelled, "If you don't stop I'm going to tase you," then immediately began firing his Taser® at Devlin, causing Devlin to fall onto a gravel walkway.

25.

Troup leapt onto Devlin's back and started kicking and kneeing Devlin. Troup commanded Devlin to put his hands behind his back but Devlin could not move from the tasing, so Troup continued to tase him with Devlin's body jerking violently in response to the strong electrical assault delivered by Troup and his Taser®.

26.

Syfrit was screaming for Troup to stop. Both Syfrit and Devlin thought Troup was trying to kill Devlin.

27.

After being tased and beaten repeatedly by Troup, Devlin pushed through his incapacitation, stood up, gasping for breath and with Troup still on his back, and tried to get away from him.

28.

To escape Troup's relentless assault, Devlin ran around the barn. He never left the plaintiffs' fenced property or even approached the fence or gate.

29.

Troup followed Devlin, took aim with his Taser® and fired. Devlin fell to the ground. Troup jumped on Devlin's back again and resumed kicking and kneeing him. Troup then snatched Devlin's hair, jerked his head up and back, and started pepper-spraying Devlin in the face, eyes, nose, and mouth while yelling, "Run from me again, motherfucker!"

30.

Syfrid and Devlin screamed and begged for Troup to stop his attack, but Troup began to touch-tase Devlin on the backs of his legs.

31.

Aroused and excited by the commotion, Geronimo appeared and likely interpreted the scene with Troup as the attacker and Devlin as the victim. Syfrid attempted to get control of the animal with Troup yelling at her to get her "fucking dog" or he would shoot him, but

Syfrid was unsuccessful. The dog did not attack Troup but bit the Taser® – leaving one or more small lacerations on one or more fingers of Troup's hand.

32.

During the struggle with Troup, Geronimo was also tased and he immediately backed away and retreated. Geronimo ran between Syfrid and a neighbor who by then had come in response to the disturbance. Despite the dog's retreat and with Troup still on Devlin's back, Troup pulled his sidearm and, without looking around, fired and shot the dog, killing him.

33.

A six-year-old child who had witnessed the events and the shooting ran in the direction of Devlin's father's home yelling ahead of him, "Somebody's hurting Troy and Michelle!"

34.

Troup then handcuffed Devlin. While Devlin was repeatedly complaining that he could barely move and that he couldn't breathe due to the pepper spray, Troup ordered him to stand over and again.

35.

During the incident, Troup tased Devlin at least 14 times in the back and at least 6 times in the legs. He had and continues to have muscle spasms in his legs and back.

36.

Devlin got to his feet and, although unsteady, wobbled in the direction Troup was ordering him to go. Devlin complained that he couldn't see, that he needed to stop and rinse his eyes and mouth, but Troup initially refused and told Devlin, "You don't need it. I'm putting you in the car."

37.

Eventually Troup walked Devlin to a water spigot, grabbed for the water hose, then sprayed water into Devlin's eyes, nose, and mouth. The water was coming out so fast and the hose was so close to Devlin's face that it choked him and hurt his eyes.

38.

Additional law enforcement officers then arrived. Devlin told all of them he needed medical attention, but all of them, including Troup, told Devlin he did not. Devlin was on the ground with extreme difficulty seeing and numbness and tingling in his legs, and he was clutching his chest because he still could not breathe easily. Devlin complained repeatedly until police officers told him to shut up.

39.

After a period of time, Brantley EMS arrived. They examined and treated Troup first. Then they examined and treated Devlin. The EMTs finally medicated Devlin's eyes to address the stinging, checked his blood pressure, and performed other basic medical checks.

40.

At some point Troup was very close to Devlin's face when spittle was ejected. Out of sheer frustration, Devlin called Troup "a pussy." Another deputy, John Simpson, ordered that Devlin be placed in a patrol car and declared, "He don't need no medical attention."

41.

Troup later prepared an incident report and mentioned his injuries, but the report is silent as to Devlin's injuries. The report contains other errors, omissions, and inconsistencies, whether intentionally or otherwise made.

42.

Devlin was taken away in a patrol car some time before Lee arrived from the local health department.

43.

Lee approached the dog's body then took out an axe and chopped the dog's head off.

44.

Syfrit, who had already been upset and crying, went into hysterics after witnessing Lee violently remove Geronimo's head from his body.

45.

Lee asked Syfrit if she was "going to bury his sorry ass" or if he had to do it, then Lee left with Geronimo's head and Syfrit later buried the dog's body.

46.

Syfrit is still disturbed by the visual of Lee swinging the axe to violently remove Geronimo's head and the visual of burying her headless pet – one of the most special loves of her life.

47.

After Devlin arrived at the local jail he repeatedly advised jail staff he needed medical attention, but staff at the jail only laughed at Devlin and instructed him to shut up and wait for the nurse. Staff told Devlin he had no problems and they weren't going to get him any medical attention other than a checkup by the nurse whenever she was there.

48.

One of the correctional officers at the jail warned Devlin, "You keep on giving us problems and we won't do nothing for you."

49.

Jail staff continued to laugh at and make fun of Devlin. One of them added, "This is what I like about my job."

50.

Devlin was ordered to take a shower, and he complied. When he got out of the shower, a correctional officer threw his mattress and a bag on the floor of a cell.

51.

Devlin limped and wobbled into his cell and continued to beg for medical attention, but jail staff recommended he shut up and sleep it off.

52.

The arrest was on Friday. On Sunday Troup brought Devlin a paper Troup claimed was "the warrant" he arrested him on, but it was not a warrant. The document Troup served was an affidavit by a child support agent and was not actually a warrant of any kind.

53.

Troup also obtained warrants against Devlin for disorderly conduct and obstruction.

54.

Syfrit called repeatedly to find out what the warrant was that Troup originally approached Devlin about, but jail staff told her charges were pending with no further explanation.

55.

While in jail, Devlin was fed but was denied toilet paper and soap. He also never received a bath towel. He had to requisition toilet paper, soap, and shampoo from another inmate at a cost of ten dollars in store call. He dried off for three days with a soiled inmate uniform.

56.

When the jail nurse finally examined Devlin, he told her about the lack of toilet paper, soap, and towels. Devlin also asked for aspirin. The nurse told Devlin, “Those things cost money, and your name isn’t on the list.”

57.

After his release from jail, Devlin went to hospital in Jesup to get medical attention since he didn’t get any while he was in jail.

58.

Shortly after his release, Devlin and Syfrit moved out of the county to finally escape Troup’s relentless harassment.

CLAIMS FOR RELIEF

59.

The allegations set forth in paragraphs 1 through 59 above are incorporated herein by reference.

Federal Causes of Action

60.

By threatening, seizing, arresting, and jailing Devlin, defendants violated Devlin’s right to be secure in his person, his right to be free from unreasonable searches and seizures, and his rights to life, liberty, and the integrity of his person, all as protected by 42 U.S.C. §

1983 and the Fourth and Fourteenth Amendments to the United States Constitution and were objectively unreasonable based on the totality of the circumstances.

61.

The defendants' intrusion on the plaintiffs' rights by shooting and unreasonably killing the plaintiffs' pet was so severe that it constituted an unreasonable seizure, and thereby the defendants violated Devlin's and Syfrit's right to be protected against unlawful seizure and the destruction of their property pursuant to the parameters of 42 U.S.C. § 1983 and the Fourth, Ninth, and Fourteenth Amendments to the United States Constitution.

62.

By unlawfully entering the plaintiffs' property and damaging and destroying the plaintiffs' other property, the defendants' actions violated Devlin's and Syfrit's right to be secure in their house and effects pursuant to 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments to the United States Constitution.

63.

Under the circumstances, Troup's use of force was excessive and unconstitutional and violated Devlin's right to be free from such excessive and unconstitutional force in violation of 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments to the United States Constitution.

64.

By failing to provide medical care and to treat injuries due to excessive force, and by failing to provide basic needs like toilet paper, soap, and towels, the defendants violated Devlin's right to be free of cruel and unusual punishment in violation of 42 U.S.C. § 1983 and the Eighth Amendment to the United States Constitution.

65.

By reason of the above-described actions, the defendants violated Devlin's right to be free from the use of excessive force amounting to the infliction of punishment without due process of law in violation of 42 U.S.C. § 1983 and the Fifth Amendment to the United States Constitution.

66.

Prior to April 23, 2010, and since, defendants Thomas, Sheriff's Office, and County have permitted and tolerated a pattern and practice of unjustified, unreasonable, and illegal abuses of the civil and constitutional rights of persons by Thomas's deputies. Although the same was improper, the officers involved were not seriously prosecuted, disciplined, or subjected to restraint and such incidents were in fact covered up with official claims that the harassments were justified and proper. In addition to permitting a pattern and practice of improper treatment of persons, defendants Thomas, Sheriff's Office, and County have failed to maintain a proper system for investigation of all incidents of unjustified arrests, beatings, and excessive use of force by Thomas's deputies. Any system maintained by these defendants

failed to properly review unjustified behavior and excessive use of force and failed to identify improper abuse, misuse, violative acts, and brutality and to subject those who beat and brutalize to discipline, closer supervision, or restraint to the extent that it has become the custom of defendants Thomas, Sheriff's Office, and County to tolerate the improper beatings, illegal arrests, and other wrongful actions by Thomas's deputies. All of these acts and omissions to act by these defendants amount to violations of 42 U.S.C. § 1983.

67.

Defendants Thomas, Sheriff's Office, and County had a duty under 42 U.S.C. §§ 1983 and 1985 as well as under the Fourth, Fifth, Eighth, and Fourteenth Amendments, and under Georgia law and their own rules and regulations, to prevent and cease false arrest, false imprisonment, malicious and false charging and prosecuting, as well as a duty to investigate, supervise, and discipline defendant Troup and prevent other wrongful acts that were committed against the plaintiffs. In actively inflicting and failing to prevent the above-stated abuses incurred by the plaintiffs, these defendants acted unreasonably, recklessly, and negligently in failing to exercise due care to secure and protect the civil and constitutional rights of the plaintiffs against illegal search and seizure.

State Causes of Action

68.

The allegations set forth in paragraphs 1 through 69 above are incorporated herein by reference.

69.

By threatening, seizing, arresting, and jailing Devlin, the defendants violated Devlin's right to be secure in his person and to be free from unreasonable searches and seizures as protected by the Georgia Constitution through Article I, Section 1, Paragraphs I, VII, and XIII.

70.

By coming onto the plaintiffs' clearly-posted property without a warrant or any exigent circumstance or other legal authority, the defendants deprived the plaintiffs of their rights to privacy under Article I, Section 1, Paragraphs XIII and XVII of the Georgia Constitution.

71.

By maliciously threatening, seizing, arresting, and jailing Devlin without legal authority, the defendants falsely imprisoned him in violation of O.C.G.A. § 16-5-41.

72.

By maliciously threatening, seizing, arresting, and jailing Devlin without legal authority, the defendants falsely imprisoned him under color of legal process in violation of O.C.G.A. § 16-5-42.

73.

By intentionally and with excessive force threatening, seizing, arresting and jailing Devlin without legal authority, the defendants committed a battery in violation of O.C.G.A. § 16-5-23.

74.

By maliciously threatening, seizing, arresting, and jailing Devlin without probable cause, the defendants falsely arrested Devlin under color of legal process pursuant to O.C.G.A. § 51-7-1.

75.

The outrageous actions of the defendants constitute intentional infliction of emotional distress against the plaintiffs, and Devlin and Syfrit suffered mental distress from the apprehension, fright, and humiliation caused by the defendants' wrongful acts.

76.

The actions of the defendants caused Devlin and Syfrit to suffer a loss of consortium.

77.

The actions of the defendants in abusing or damaging Devlin's and Syfrit's personal property constitutes a trespass pursuant to O.C.G.A. § 51-10-3.

78.

The actions, errors, and omissions by defendants Thomas, Sheriff's Office, and County constitute negligent hiring, training, and supervision with respect to defendant Troup and are in part the cause of damages suffered by Devlin and Syfrit.

79,

The actions, errors, and omissions by defendants Health Board and Parks constitute negligent training and supervision with respect to defendant Lee and are in part the cause of damages suffered by Devlin and Syfrit.

PRAYER FOR RELIEF

80.

WHEREFORE, on the basis of the foregoing, Plaintiff respectfully prays that this Court:

- (A) Assume jurisdiction over this action;
- (B) Award nominal, compensatory and other damages against each defendant in an amount determined by a jury;
- (C) Award reasonable attorneys fees, expenses, and costs of litigation pursuant to 42 U.S.C. § 1988 and other applicable laws;
- (D) Award such other and further relief as this Court deems just and proper.

A JURY TRIAL IS REQUESTED.

DATED: This 22nd day of April 2012.

Respectfully submitted,

/s J. Alvin Leaphart

J. Alvin Leaphart
Georgia Bar No. 442400

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/s Joseph Segui

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Georgia Bar No. 634463

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JoeSegui@live.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATION OF ELECTRONIC FILING

The undersigned hereby certifies the filing of this Complaint by the Court's Electronic Filing System. The Complaint will be served through a Waiver of Service sent directly to the defendants.

DATED: This 22nd day of April 2012.

/s Joseph J. Segui

Joseph J. Segui
Georgia Bar No. 634463

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JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Troy E. Devlin and Michelle M. Syfrit

DEFENDANTS

Deputy Richard S. Troup, Sheriff Robert C. Thomas, Brantley County Sheriff's Office, Brantley County Board of Commissioners, Brantley County Board of Health, Clay A. Lee, and Rosemarie D. Parks
County of Residence of First Listed Defendant **Brantley County, GA**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(b) County of Residence of First Listed Plaintiff **Glynn County, GA**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

J. Alvin Leaphart, Ph. (912) 427-2024

155 N. Brunswick St., Jesup, GA 31546-4376

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983 and 1985(3), 28 U.S.C. 1331 and 1343(a)

Brief description of cause:

Complaint for damages for violations of Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendment rights

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/22/2012

SIGNATURE OF ATTORNEY OF RECORD

/s J. Alvin Leaphart

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and
MICHELLE M. SYFRIT,

Plaintiffs,

v.

Civil Action No. 5:12-cv-00031

DEPUTY RICHARD S. TROUP,
individually; SHERIFF ROBERT C.
THOMAS, individually; BRANTLEY
COUNTY SHERIFF'S OFFICE;
BRANTLEY COUNTY BOARD OF
COMMISSIONERS; BRANTLEY
COUNTY BOARD OF HEALTH; CLAY
A. LEE, individually, & ROSEMARIE D.
PARKS, in her capacity as Director of
Southeast Health District,

Defendants.

**MOTION TO DISMISS THE PLAINTIFFS' COMPLAINT OR, IN THE
ALTERNATIVE, TO EXTEND THE TIME FOR COMPLETION OF
DISCOVERY AND TO COMPEL DISCOVERY**

COME NOW Deputy Richard S. Troup, Sheriff Robert C. Thomas, "Brantley County Sheriff's Office," and Brantley County Board of Commissioners, named as defendants in the above-styled case, and move the Court pursuant to Fed. R. Civ. P. § 37(b)(2)(C) to dismiss the plaintiffs' Complaint with prejudice for their failure to appear at their properly noticed depositions, as follows:

STATEMENT OF FACTS

On April 23, 2012, the plaintiffs filed their Complaint in which they assert claims pursuant to Section 1983 for the alleged violation of their constitutional rights. In essence, the plaintiffs contend that Deputy Troup's arrest and detention of plaintiff Troy Devlin violated the plaintiffs' constitutional rights. The plaintiffs further contend that Mr. Devlin's

arrest and detention violated various state laws.

On December 6, 2012, counsel for the defendants noticed the depositions of the plaintiffs for December 17, 2012. (Exhibit “A”, letter from counsel for the defendants to counsel for the plaintiffs) (Exhibit “B”, deposition notices for plaintiffs Devlin and Syfrit). Although the depositions were properly noticed, the plaintiffs did not appear for their depositions. (Exhibit “C” and “D”, notices of non-appearance by court reporter). Because the plaintiffs did not appear, the defendants have filed the instant motion.

CITATION OF AUTHORITY

Under Fed. R. Civ. P. § 37(b)(2)(C), the failure of a party to appear at his properly noticed deposition authorizes the trial court to impose immediate sanctions, including dismissal of the complaint. Dismissal has been held as an appropriate sanction in cases where plaintiffs have disregarded the discovery process. See Aztec Steel Co. v. Florida Steel Co., 691 F.2d 480, cert. denied 460 U.S. 1040, 103 S. Ct. 1433, 75 L. Ed.2d 792 (1983); see also Anthony v. Marion County General Hospital, 617 F.2d 1164, 1167 (5th Cir. 1980). In pertinent part, Rule 37 states:

If a party . . . fails . . . to appear before the officer who is to take the deposition, after being served with a proper notice, . . . the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under subparagraphs (A), (B), and (C) of subdivision (b)(2) of this rule. Fed. R. Civ. Proc. 37(d).

Turning to subparagraphs (A), (B), and (C) of subdivision (b)(2), those subparagraphs set forth several potential sanctions, including “striking out pleadings . . . or rendering a judgment by default against the disobedient party.” Fed. R. Civ. Proc. 37(b)(2)(C). That is precisely the appropriate sanction in the present case.

Here, the plaintiffs disregarded their deposition notices and failed to appear for their duly noticed depositions. The defendants respectfully submit that the failure of the plaintiffs to attend their depositions justifies the dismissal of the plaintiffs' Complaint. However, if the Court determines that dismissal is not an appropriate remedy, the defendants alternatively request that discovery be extended for an additional sixty days from the date of the Court's Order, and that the plaintiffs be ordered to appear at the office of defendants' counsel during the remaining discovery period for the purpose of giving their depositions.

For the foregoing reasons, the defendants ask this Court to dismiss the plaintiffs' Complaint with prejudice.

Respectfully submitted this 27th day of December, 2012.

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP

s/ Garret W. Meader

Terry L. Readdick
Georgia Bar No. 597200
Garret W. Meader
Georgia Bar No. 142402

P. O. Box 220
Brunswick, GA 31521-0220
(912) 264-8544

Attorneys for Defendants
Richard S. Troup, Robert C. Thomas,
Brantley County Sheriff's Office, and
Brantley County Board of Commissioners

CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the directives from the Court Notice of Electronic Filing (“NEF”) which was generated as a result of electronic filing.

This the 27th day of December, 2012.

s/Garret W. Meader
Garret W. Meader

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP
P. O. Box 220
Brunswick, GA 31521-0220
(912) 264-8544

EXHIBIT

A

LAW OFFICES
**BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP**
5 Glynn Avenue
Post Office Box 220
Brunswick, Georgia 31521-0220

Richard A. Brown, Jr. (GA & FL)
Terry L. Readdick
John E. Bumgartner
G. Todd Carter
Richard K. Strickland
Bradley J. Watkins
Paul M. Scott
Steven G. Blackerby
Garret W. Meader
Eric L. Bumgartner
Emily R. Hancock

(912) 264-8544
FAX: (912) 264-9867
E-Mail: attorneys@brbcsww.com

Of Counsel:
J. Thomas Wheelchel

December 6, 2012

Joseph Segui, Esq.
Law Office of Joseph J. Segui, PC
P. O. Box 699
Waynesville, GA 31566-0699

Re: Troy E. Devlin and Michelle M. Syfrit v. Deputy Richard S. Troup, et al.
USDC; 5:12-cv-00031

Dear Joe:

Enclosed please find the Defendants' Notices of Taking Deposition of the Plaintiffs, Troy Devlin and Michelle Syfrit for December 17, 2012 beginning at 10:00 a.m. at our office. It is my understanding that Mr. Leaphart and yourself may be withdrawing from the case and, if discovery were not scheduled to conclude at the end of this month, I would have refrained from noticing the plaintiffs' depositions until that issue had been resolved.

However, out of an abundance of caution, and to protect the interests of our clients, we are noticing the plaintiffs' depositions before the conclusion of discovery. If you decide that you are going to remain in the case and December 17, 2012, does not work for you or the plaintiffs, please let us know and we'll find another date within the discovery period to conduct depositions.

Finally, we have communicated to the insurance carrier that the plaintiffs may be willing to resolve their claims. Although I have not formally heard back from the carrier, I am not overly optimistic that they have an interest in settling the case, at this time. However, I will let you know as soon as I hear something definitive. In the meantime, please feel free to contact me to discuss this case.

Best regards.

Joseph Segui, Esq.
December 6, 2012
Page Two

Very truly yours,

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP

A handwritten signature in dark ink, appearing to read 'G. Meader', is written over the printed name.

Garret W. Meader
gmeader@brbcsw.com

GWM/lisa
Enclosures
cc: Alvin Leaphart, Esq.

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and
MICHELLE M. SYFRIT,

Plaintiffs,

v.

DEPUTY RICHARD S. TROUP,
individually; SHERIFF ROBERT C.
THOMAS, individually; BRANTLEY
COUNTY SHERIFF'S OFFICE;
BRANTLEY COUNTY BOARD OF
COMMISSIONERS,

Defendants.

Civil Action No. 5:12-cv-00031

NOTICE OF TAKING DEPOSITION

TO: J. Alvin Leaphart, Esq.
Attorney at Law
155 N. Brunswick Street
Jesup, GA 31546-4376

Joseph Segui, Esq.
Law Office of Joseph J. Segui, PC
P. O. Box 699
Waynesville, GA 31566-0699

PLEASE TAKE NOTICE that at 10:00 a.m. on the 17th day of December, 2012, at the law office of Brown, Readdick, Bumgartner, Carter, Strickland & Watkins, LLP, 5 Glynn Avenue, Brunswick, GA 31520 the defendants in the above-styled action will take the deposition of the Plaintiff, Troy E. Devlin, upon oral examination before a Certified Court Reporter or other competent official.

The Plaintiff, Troy E. Devlin, is required by this Notice to be present for the taking of this deposition. You may attend and examine the witness. This deposition is for the

purposes of discovery, cross-examination, and all purposes allowable under the statutes.

The deposition will be continued from day to day until complete.

This the 6th day of December, 2012.

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP



Garret W. Meader
Georgia Bar No. 142402
Attorney for Defendants
Deputy Richard S. Troup, Sheriff Robert C.
Thomas, "Brantley County Sheriff's Office," and
Brantley County Board of Commissioners
gmeader@brbcsww.com

P. O. Box 220
Brunswick, GA 31521-0220
(912) 264-8544

CERTIFICATE OF SERVICE


This is to certify that I have this day served all parties with a copy of the foregoing pleading, by depositing same in the United States mail with adequate postage thereon to assure delivery to:

J. Alvin Leaphart, Esq.
Attorney at Law
155 N. Brunswick Street
Jesup, GA 31546-4376

Joseph Segui, Esq.
Law Office of Joseph J. Segui, PC
P. O. Box 699
Waynesville, GA 31566-0699

This 6th day of November, 2012.

BROWN, READDICK, BUMGARTNER
CARTER, STRICKLAND & WATKINS, LLP



Garret W. Meader
Georgia Bar Number: 142402
Attorney for Defendants

5 Glynn Avenue
Post Office Box 220
Brunswick, GA 31521
(912) 264-8544
(912) 264-9667 FAX
gmeader@brbcsww.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and
MICHELLE M. SYFRIT,

Plaintiffs,

v.

DEPUTY RICHARD S. TROUP,
individually; SHERIFF ROBERT C.
THOMAS, individually; BRANTLEY
COUNTY SHERIFF'S OFFICE;
BRANTLEY COUNTY BOARD OF
COMMISSIONERS,

Defendants.

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Civil Action No. 5:12-cv-00031

NOTICE OF TAKING DEPOSITION

TO: J. Alvin Leaphart, Esq.
Attorney at Law
155 N. Brunswick Street
Jesup, GA 31546-4376

Joseph Segui, Esq.
Law Office of Joseph J. Segui, PC
P. O. Box 699
Waynesville, GA 31566-0699

PLEASE TAKE NOTICE that at 11:30 a.m. on the 17th day of December, 2012, at the law office of Brown, Readdick, Bumgartner, Carter, Strickland & Watkins, LLP, 5 Glynn Avenue, Brunswick, GA 31520 the defendants in the above-styled action will take the deposition of the Plaintiff, Michelle M. Syfrit, upon oral examination before a Certified Court Reporter or other competent official.

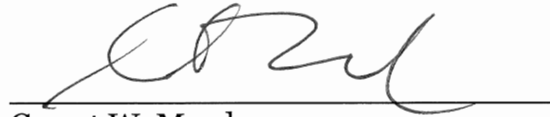
The Plaintiff, Michelle M. Syfrit, is required by this Notice to be present for the taking of this deposition. You may attend and examine the witness. This deposition is for

the purposes of discovery, cross-examination, and all purposes allowable under the statutes.

The deposition will be continued from day to day until complete.

This the 6th day of December, 2012.

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP



Garret W. Meader
Georgia Bar No. 142402
Attorney for Defendants
Deputy Richard S. Troup, Sheriff Robert C.
Thomas, "Brantley County Sheriff's Office," and
Brantley County Board of Commissioners
gmeader@brbcsww.com

P. O. Box 220
Brunswick, GA 31521-0220
(912) 264-8544

CERTIFICATE OF SERVICE


This is to certify that I have this day served all parties with a copy of the foregoing pleading, by depositing same in the United States mail with adequate postage thereon to assure delivery to:

J. Alvin Leaphart, Esq.
Attorney at Law
155 N. Brunswick Street
Jesup, GA 31546-4376

Joseph Segui, Esq.
Law Office of Joseph J. Segui, PC
P. O. Box 699
Waynesville, GA 31566-0699

This 6th day of November, 2012.

BROWN, READDICK, BUMGARTNER
CARTER, STRICKLAND & WATKINS, LLP



Garret W. Meader
Georgia Bar Number: 142402
Attorney for Defendants

5 Glynn Avenue
Post Office Box 220
Brunswick, GA 31521
(912) 264-8544
(912) 264-9667 FAX
gmeader@brbcs.com

EXHIBIT C

Michelle Syfrit
December 17, 2012

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and)	
MICHELLE M. SYFRIT,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
vs.)	
)	NO. 5:12-CV-00031
DEPUTY RICHARD S. TROUP,)	
Individually; SHERIFF)	
ROBERT C. THOMAS,)	
Individually; BRANTLEY)	
COUNTY SHERIFF'S OFFICE;)	
BRANTLEY COUNTY BOARD OF)	
COMMISSIONERS,)	
)	
Defendants.)	

REPORTER'S CERTIFICATE OF NON-APPEARANCE OF THE
WITNESS FOR THE DEPOSITION OF
MICHELLE M. SYFRIT

December 17, 2012
11:45 a.m.

Brown, Readdick, Bumgartner, Carter, Strickland &
Watkins
5 Glynn Avenue
Brunswick, Georgia
Debbie Gilbert, Certified Court Reporter, B-515

Michelle Syfrit
December 17, 2012

Page 2

1 REPORTER'S CERTIFICATION OF NONAPPEARANCE

2
3 I, Debbie Gilbert, Certified Court
4 Reporter within and for the State of Georgia, do
5 hereby certify:

6 That at the request of Garret W. Meader,
7 Esq., attorney for the defendants in the
8 above-styled case, I appeared at Brown,
9 Readdick, Bumgartner, Carter, Strickland &
10 Watkins, 5 Glynn Avenue, Brunswick, Georgia, on
11 the date 17th day of December, 2012, at the hour
12 of 11:30 a.m. for the purpose of placing under
13 oath and taking the deposition of Michelle M.
14 Syfrit, Plaintiff in the above-styled case.

15 I further certify that I remained at said
16 address until 11:45 a.m., during which time
17 neither the Plaintiff/Deponent nor her attorney,
18 J. Alvin Leaphart, Esq. nor Joseph Segui, Esq.
19 appeared.

20 Respectfully Submitted,

21
22
23 DEBBIE GILBERT, Certified
24 Court Reporter, B-515
25

EXHIBIT D

Troy Devlin
December 17, 2012

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and)	
MICHELLE M. SYFRIT,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
vs.)	
)	NO. 5:12-CV-00031
DEPUTY RICHARD S. TROUP,)	
Individually; SHERIFF)	
ROBERT C. THOMAS,)	
Individually; BRANTLEY)	
COUNTY SHERIFF'S OFFICE;)	
BRANTLEY COUNTY BOARD OF)	
COMMISSIONERS,)	
)	
Defendants.)	

REPORTER'S CERTIFICATE OF NON-APPEARANCE OF THE
WITNESS FOR THE DEPOSITION OF
TROY E. DEVLIN

December 17, 2012
10:34 a.m.

Brown, Readdick, Bumgartner, Carter, Strickland &
Watkins
5 Glynn Avenue
Brunswick, Georgia
Debbie Gilbert, Certified Court Reporter, B-515

Troy Devlin
December 17, 2012

Page 2

APPEARANCES OF COUNSEL

On behalf of the Defendants:

GARRET W. MEADER, Esq.
Brown, Readdick, Bumgartner, Carter,
Strickland & Watkins
P. O. Box 220 (31521)
5 Glynn Avenue
Brunswick, Georgia 31520

Also present:
Deputy Richard S. Troup

- - -

Troy Devlin
December 17, 2012

Page 3

REPORTER'S CERTIFICATION OF NONAPPEARANCE

I, Debbie Gilbert, Certified Court
Reporter within and for the State of Georgia, do
hereby certify:

That at the request of Garret W. Meader,
Esq., attorney for the defendants in the
above-styled case, I appeared at Brown,
Readdick, Bumgartner, Carter, Strickland &
Watkins, 5 Glynn Avenue, Brunswick, Georgia, on
the date 17th day of December, 2012, at the hour
of 10:00 a.m. for the purpose of placing under
oath and taking the deposition of Troy E.
Devlin, Plaintiff in the above-styled case.

I further certify that I remained at said
address until 10:34 a.m., during which time
neither the Plaintiff/Deponent nor his attorney,
J. Alvin Leaphart, Esq. nor Joseph Segui, Esq.
appeared.

Mr. Meader, attorney for the Defendants,
made a statement for the record as follows:

"This was to have been the deposition of
Troy Devlin in the case of Devlin versus Troup.
It is now 10:30 or a little bit after 10:35,

Troy Devlin
December 17, 2012

Page 4

1 even, and neither Mr. Devlin nor Ms. Syfrit has
2 appeared nor has counsel for either of those
3 parties. I've got a copy here of the notice for
4 Mr. Devlin's deposition that was sent out on
5 December 6th to their counsel, Alvin Leaphart
6 and Joe Segui. We will make that as A, and as
7 Exhibit B we're going to go ahead and make the
8 notice of Ms. Syfrit's deposition as Exhibit B.
9 Her deposition is noticed for 11:30 but it's my
10 understanding that they would have been
11 traveling together to get here this morning so
12 she is probably not going to appear. In order
13 to kind of be considerate of everyone's time,
14 I'm going to go ahead and make this Exhibit B
15 and in the event that she does show up, we've
16 arranged for the court reporter to be available
17 at 11:30 just in case she does show up so we can
18 take her deposition then."

19 Respectfully Submitted,
20
21

22
23 DEBBIE GILBERT, Certified
24 Court Reporter, B-515
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and
MICHELLE M. SYFRIT,

Plaintiffs,

v.

Civil Action No. 5:12-cv-00031

DEPUTY RICHARD S. TROUP,
individually; SHERIFF ROBERT C.
THOMAS, individually; BRANTLEY
COUNTY SHERIFF'S OFFICE;
BRANTLEY COUNTY BOARD OF
COMMISSIONERS; BRANTLEY
COUNTY BOARD OF HEALTH; CLAY
A. LEE, individually, & ROSEMARIE D.
PARKS, in her capacity as Director of
Southeast Health District,

Defendants.

ORDER

The defendants having moved for an Order pursuant to Rule 37(b)(2)(C) of the Fed. R. Civ. P. dismissing the plaintiff's claims for failure of the plaintiffs to comply with discovery, it is hereby ORDERED that the plaintiffs' claims are dismissed with prejudice for failure of the plaintiffs to so comply, and that judgment be entered accordingly.

SO ORDERED this _____ day of _____ 2013.

JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

TROY E. DEVLIN and
MICHELLE M. SYFRIT,

Plaintiffs,

v.

DEPUTY RICHARD S. TROUP,
individually; SHERIFF ROBERT C.
THOMAS, individually; BRANTLEY
COUNTY SHERIFF'S OFFICE;
BRANTLEY COUNTY BOARD OF
COMMISSIONERS; BRANTLEY
COUNTY BOARD OF HEALTH; CLAY
A. LEE, individually, & ROSEMARIE D.
PARKS, in her capacity as Director of
Southeast Health District,

Defendants.

Civil Action No. 5:12-cv-00031

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

COME NOW the parties, by and through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) hereby stipulate to the dismissal WITHOUT PREJUDICE of all claims against all defendants. This stipulation has been signed on behalf of all parties who have appeared in this action. The parties shall bear their own costs.

SO STIPULATED, this 20th day of December, 2012.

/s/ J. Alvin Leaphart

J. Alvin Leaphart
Georgia Bar No. 442400

155 N. Brunswick, Street
Jesup, GA 31546-4376

(912) 427-2024

P.O. Box 699
Waynesville, GA 31566-0699
(912) 399-9922

LAW OFFICE OF JOSEPH J. SEGUI, PC

/s/ Joseph Segui
Joseph J. Segui
Georgia Bar No. 634463

Attorneys for Plaintiffs

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP

/s/ Terry L. Readdick
Terry L. Readdick
Georgia Bar No. 597200

/s/ Garret W. Meader
Garret W. Meader
Georgia Bar No. 142402

P. O. Box 220
Brunswick, GA 31521-0220
(912) 264-8544

Attorneys for Defendants
Richard S. Troup, Robert C. Thomas,
Brantley County Sheriff's Office, and
Brantley County Board of Commissioners

I certify that the originally executed document contains the electronic signatures of
all filers indicated herein and that I have consent for the filing of this document.

/s/ Joseph J. Segui

CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the directives from the Court Notice of Electronic Filing ("NEF") which was generated as a result of electronic filing.

This the 20th day of December, 2012.

/s/ Joseph Segui
Joseph J. Segui
Georgia Bar No. 634463

LAW OFFICE OF JOSEPH J. SEGUL, PC
P.O. Box 699
Waynesville, GA 31566-0699
(912) 399-9922

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

TROY E. DEVLIN and MICHELLE)
M. SYFRIT)

v.)

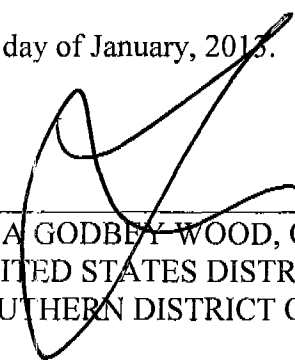
CV 512-31

DEPUTY RICHARD S. TROUP, et al)

ORDER

The parties in the above captioned case have filed a Stipulation of Dismissal without Prejudice of all of Plaintiff's claims against Defendants Deputy Richard S. Troup, individually, Sheriff Robert C. Thomas, individually, Brantley County Sheriff's Office, Brantley County Board of Commissioners, Brantley County Board of Health, Clay A. Lee, individually, and Rosemarie D. Parks in her capacity of Director of Southeast Health District. All claims are hereby dismissed and the Clerk is ordered to enter appropriate judgment.

SO ORDERED this 29 day of January, 2013.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

AO 450 (GAS Rev 10/03) Judgment in a Civil Case

United States District Court
Southern District of Georgia

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2013 JAN 31 A 8:51

TROY E. DEVLIN and MICHELLE
M. SYFRIT

CLERK C. Robinson
SO. DIST. OF GA.

JUDGMENT IN A CIVIL CASE

V.

CASE NUMBER: CV512-031

DEPUTY RICHARD S. TROUP, et al.,

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that in accordance with the Order of the Court dated January 29, 2013, granting the parties' Stipulation of Dismissal without prejudice, judgment of dismissal is hereby entered and this case stands dismissed.

Approved by: _____

Lisa Godbey Wood, Chief Judge

Date

January 30, 2013

Scott L. Poff
Clerk

Charlotte Robinson
(By) Deputy Clerk

